

EXHIBIT C

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1 UNITED STATES DISTRICT COURT
1 SOUTHERN DISTRICT OF NEW YORK

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3 MARK I. SOKOLOW, et al.,

4 Plaintiffs,

5 v.

04-CV-397 (GBD)

6 PALESTINE LIBERATION
6 ORGANIZATION, et al.,

7 Defendants.

Oral Argument

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9 New York, N.Y.
9 March 4, 2014
10 10:58 a.m.

11 Before:

12 HON. GEORGE B. DANIELS,

13 District Judge

14 APPEARANCES

15 ARNOLD & PORTER, LLP

15 Attorneys for Plaintiffs

16 BY: KENT A. YALOWITZ, ESQ.

16 PHILIP W. HORTON, ESQ.

17 CARMELA T. ROMEO, ESQ.

17 TAL R. MACHNES, ESQ.

18 KEN L. HASHIMOTO, ESQ.

19 ROBERT J. TOLCHIN, ESQ.

19 Attorney for Plaintiffs

20 MILLER & CHEVALIER, CHTD.

21 Attorneys for Defendants

21 BY: MARK JOHN ROCHON, ESQ.

22 LAURA G. FERGUSON, ESQ.

22 BRIAN A. HILL, ESQ.

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1 Honor, I think you've summarized the issues well. The issue
2 was briefed quite extensively, and I don't think that we have
3 anything to add with regard to the outtakes.

4 I should also report to the court that despite very
5 good faith efforts, both on the part of BBC's counsel and on
6 our part, we've not been able to get a certification from the
7 BBC that the take that we have or the CD that we have now, or
8 CDs, is an accurate copy of what aired, although we did receive
9 it directly from the BBC. So that issue is also before the
10 court, and I may be misremembering, but I think Judge Ellis did
11 give us that discovery and we haven't pursued it because --

12 THE COURT: To do what?

13 MR. YALOWITZ: To get perhaps an authenticating
14 deposition or some third-party discovery device simply to say
15 this is indeed a true and correct copy of what we aired and our
16 procedures were followed here and so on. And there is a recent
17 decision which we didn't burden the court with, but I'll tell
18 you, Judge Scheindlin had a recent decision in Wultz v. Bank of
19 China on a similar issue involving an Israeli bank called Bank
20 Hapoalim, and I'd be happy to send a copy of that decision to
21 the court if it would be helpful.

22 THE COURT: Well, this is what I --

23 MR. YALOWITZ: But that's a separate issue.

24 THE COURT: This is what I want. Even before you file
25 any motions in limine with regard to the admissibility of

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1 evidence, to the extent that you believe that it would be
2 appropriate, both sides, you believe it would be appropriate
3 for the other side to stipulate to the authenticity,
4 admissibility, part or all of the foundation for admissibility,
5 you should seek that, you should identify it and request it
6 from the other side, in writing, by letter, and they should
7 respond to that within ten days, calendar days, as to whether
8 or not they're going to agree to that. If they're not going to
9 agree to it, then you'll know what you need to fight about with
10 other additional efforts that you have to take to be able to
11 get the appropriate witness to lay the proper foundation.

12 MR. YALOWITZ: Thank you, your Honor.

13 THE COURT: To the extent that there is the rule that
14 examines the reliability of the evidence beyond just the
15 particular rules with regard to foundation, I'll consider it if
16 it is appropriate, but at this point I'm not going to represent
17 that I'm going to relieve either party of their obligations to
18 demonstrate that any evidence that they wish to offer is in
19 fact what it purports to be, by testimony, certification,
20 and/or other indicia of reliability, so that we can address
21 those issues as you raised them, that they lack the proper
22 authority, a waste of time, or to spend the time establishing
23 full foundation when there's no real genuine dispute that the
24 item is what it purports to be. See if we can address that.

25 MR. YALOWITZ: All right. That narrows the other

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